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EXAMINER

LAXTON, GARY L

ART UNIT PAPER NUMBER

2838

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/688,298

Applicant(s)

MCNALLY, JOHN

Examiner

Gary L. Laxton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-24 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 3-6, 8-12, 14-22 and 28-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 25 and 26 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreiber in view of Pugh et al.

Schreiber discloses in figures 1 and 2, a power strip comprising; a housing (16, figure 1) with two ends; a plurality of power outlets (32a-e, figure 1), a power management circuit in the inside of the housing (figure 2) comprising, a power monitor (38) that is adapted to receive input power over an input power line (62); the power management circuit is coupled to a power supply (36) and to the power outlets via a microprocessor (40; 64a; 64c, 46e, 32e; 64d, 46d, 32d; 64e, 46b, 32b; 64g, 46c, 32c); the microprocessor (40) is coupled to the power supply (36) and to a relay driver (42); the relay driver receives control signals from the microprocessor (40); and a plurality of relays (46a-46e) coupled to the relay driver (42) and to the power outlets (32a-e); wherein the

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relays receive a control signal from the relay driver (42) to actuate the relays to a conductive state to powering-on the power outlets and the relays receive another control signal from the relay driver to actuate the relays to a non-conductive state to powering-off the power outlets (abstract). Furthermore, the outlets are capable of being broken down into groups and still further, all of the outlets are coupled to the power monitor sensor circuit (38).

However, Schreiber does not disclose the power monitor circuit as being a current sensor. Nor does Schreiber disclose an under-voltage sensor coupled to the micro-controller and providing a reset signal to the micro-controller when a voltage value falls below a predetermined threshold. It is well established that power is equal to voltage times current. Therefore, a power monitor is monitoring voltage and current levels. Thus, if the level of voltage is of no concern but the level of current is of concern, then it would have been obvious to monitor current.

Furthermore, it would have been obvious to provide an under-voltage sensor coupled to the micro-controller to provide a reset signal to the micro-controller when a voltage value falls below a threshold, since Pugh et al teaches a microprocessor that controls application of power to a plurality of outlets pursuant to program control and teaches that it is known that reset generators (U1 figure 3) output a reset signal upon detection of an under-voltage condition or power failure (col. 3 lines 45-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to monitor the current level with a current sensor instead of monitoring the power in order to ensure current levels do not exceed a predetermined threshold in order ensure device protection.

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It also would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an under-voltage sensor coupled to the micro-controller and providing a reset signal to the micro-controller when a voltage value falls below a predetermined threshold in order to provide a reset signal to the micro-controller upon detection of a power failure condition as taught by Pugh et al in order to perhaps signal the micro-controller to switch over to an alternative power source until the main power is restored.

4. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreiber in view of Luu.

Schreiber discloses a programmable intelligent power strip (figures 1 and 2) having a housing (16) with a first group of power outlets (32e, 32d) defined on the housing, a second group of power outlets (32a, 32b, 32c) defined on the housing and a means for controlling power (40) to the first and second groups of power outlets in accordance with a predetermined sequence and a predetermined delay to sequentially power on the second group of power outlets (abstract).

However, Schreiber does not disclose means for sensing current on the input line and means for determining if the sensed current is below a threshold, wherein if the current is below a threshold the power strip enables a means for indicating a normal operation of the power strip.

Luu teaches using an indicator (44 figure 1) for indicating operation of a surge protections means in the event of a voltage surge beyond a preset value (e.g. sensing voltage or current exceeding a preset limit with a sensor). Furthermore, Luu teaches an (indicator 46 figure 1) for indicating a ground condition of the power strip (e.g. sensing voltage or current with a sensor for a ground condition). Thus, it is known to use an indicator when there is a ground condition or when there

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is a voltage surge conditions. Therefore, it would have been obvious to one having ordinary skill in the art to use an indicator to indicate normal operation of the power strip in order for the user to confirm normal operation by visual inspection of the power strip instead of confirming normal operation by an electrical test. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the power strip of Schreiber with the teachings of Luu to provide a power strip with means for sensing current on the input line and means for determining if the sensed current is below a threshold, wherein if the current is below a threshold the power strip enables a means for indicating a normal operation of the power strip in order for the user to confirm normal operation by visual inspection of the power strip instead of confirming normal operation by an electrical test.

Allowable Subject Matter

5. Claims 13-24 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

Concerning claims 13-22, prior art fails to disclose or suggest, inter alia, a power distribution method comprising programming a normal threshold value into the power distribution system; programming an overload threshold value into the power distribution system; programming an under-voltage threshold value into the power distribution system.

Concerning claims 23 and 24, see prior office action where the indication of allowable subject matter was addressed.

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7. Claims 3-6, 8-12, 14-22 and 28-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

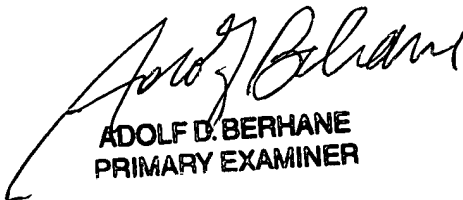
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Laxton whose telephone number is (703) 305-7039. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (703)308-1680. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7724 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

GLL
July 24, 2003


ADOLF D. BERHANE
PRIMARY EXAMINER